

**2003 DRAFTING REQUEST****Bill**Received: **11/25/2002**Received By: **gmalaise**Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**By/Representing: **Memo**This file may be shown to any legislator: **NO**Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Discrimination**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Schneider@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Discrimination against employee who discloses compensation

**Instructions:**

Redraft 2001 AB 409

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			rschluet 12/05/2002		amentkow 12/05/2002	mbarman 12/05/2002	

12/05/2002 12:37:28 PM

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At  
Intro.

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2003

stays

~~2001~~ ASSEMBLY BILL 409

May 18, 2001 - Introduced by Representatives SCHNEIDER and SINICKI. Referred to Committee on Labor and Workforce Development.

1 AN ACT *to create* 103.135, 106.54 (7) and 230.45 (1) (m) of the statutes; relating  
2 to: discharge or discrimination against an employee for disclosing the  
3 employee's compensation. *in the*

*Progeny*

***Analysis by the Legislative Reference Bureau***

Current law prohibits an employer from discharging or discriminating against an employee in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of the employee's age, race, creed, color, disability, marital status, sex, national origin, ancestry, arrest or conviction record, membership in the national guard or military reserves, or use or nonuse of a lawful product during nonwork hours, or because the employee filed a complaint or attempted to enforce a right under the state's labor laws or testified or assisted in any proceeding to enforce such a right. Currently, the Department of Workforce Development (DWD) or, in the case of a state employee, the Personnel Commission may order an employer that has discriminated against an employee to take such action as will effectuate the purpose of the Fair Employment Law, including the payment of back pay, reinstatement of the employee, or the payment of compensation in lieu of reinstatement.

This bill prohibits an employer from discharging or discriminating against an employee in promotion, compensation, or in terms, conditions, or privileges of employment for disclosing the employee's compensation to anyone, opposing a discharge or discrimination in violation of the bill, filing a complaint or attempting to enforce a right under the bill, or testifying or assisting in any action or proceeding

**ASSEMBLY BILL 409**

to enforce a right under the bill. An employee who is discharged or discriminated against in violation of the bill may file a complaint with DWD or, in the case of a state employee, the personnel commission, and DWD or the personnel commission must process the complaint in the same manner that employment discrimination complaints are processed under current law, which processing may include the ordering of back pay, reinstatement, or compensation in lieu of reinstatement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1       SECTION 1. 103.135<sup>✓</sup> of the statutes is created to read:

2       **103.135 Disclosure of compensation.** (1) An employee may disclose the  
3       employee's compensation to anyone. An employer may not discharge or discriminate  
4       against an employee in promotion, <sup>(in)</sup> compensation, or in <sup>(the)</sup> terms, conditions, or  
5       privileges of employment for disclosing the employee's compensation to anyone,  
6       opposing a practice prohibited under this subsection, filing a complaint or  
7       attempting to enforce any right under this subsection, or testifying or assisting in  
8       any action or proceeding to enforce any right under this subsection.

9       (2) (a) Subject to par. (b),<sup>✓</sup> any employee who is discharged or discriminated  
10       against in violation of sub. (1)<sup>✓</sup> may file a complaint with the <sup>✓</sup> department, and the  
11       department shall process the complaint in the same manner that employment  
12       discrimination complaints are processed under s. 111.39.<sup>✓</sup>

13       (b) Any employee of a state agency, as defined in s. 111.32 (6),<sup>✓</sup> who is discharged  
14       or discriminated against in violation of sub. (1)<sup>✓</sup> may file a complaint with the  
15       personnel commission, and the personnel commission shall process the complaint in  
16       the same manner that employment discrimination complaints are processed under  
17       s. 111.39.<sup>✓</sup>

18       SECTION 2. 106.54<sup>✓</sup> <sup>(8)</sup> of the statutes is created to read:

## ASSEMBLY BILL 409

(8) (B)

(11)

1 106.54 ~~(7)~~ The division shall receive complaints under s. 103.135 (2) (a) and  
2 shall process the complaints in the same manner that employment discrimination  
3 complaints are processed under s. 111.39. ✓

4 **SECTION 3.** 230.45 (1) ~~(m)~~ of the statutes is created to read:

5 230.45 (1) ~~(m)~~ Receive complaints under s. 103.135 (2) (b) and, except as  
6 provided in sub. ~~(1m)~~, process the complaints in the same manner that employment  
7 discrimination complaints are processed under s. 111.39. ✓

8 **SECTION 4. Initial applicability.**

9 (1) This act first applies to an employee who, on the day before the effective date  
10 of this subsection, is affected by a collective bargaining or other employment  
11 agreement that contains provisions inconsistent with section 103.135 of the statutes,  
12 as created by this act, on the day on which the agreement expires or is extended,  
13 modified, or renewed, whichever occurs first. ✓

14 (END)



**Barman, Mike**

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**From:** Schneider, Marlin  
**Sent:** Thursday, December 05, 2002 12:22 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB-0935/1 Topic: Discrimination against employee who discloses compensation

It has been requested by <Schneider, Marlin> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0935/1 Topic: Discrimination against employee who discloses compensation

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Wednesday, January 22, 2003 11:07 AM  
**To:** Baldus, John  
**Cc:** Rep.Schneider  
**Subject:** Requested PDF's



03-0914/P1



03-0914/P1dn



03-0915/1



03-0915/1dn



03-0923/1



03-0924/1



03-0925/1



03-0926/1



03-0926/1dn



03-0927/1



03-0927/1dn



03-0928/1



03-0929/1



03-0930/1



03-0935/1

*Mike Barman*

Mike Barman - Senior Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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P. O. BOX 2037  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
REFERENCE SECTION: (608) 266-0341  
FAX: (608) 264-6948

STEPHEN R. MILLER  
CHIEF

October 17, 2003

## MEMORANDUM

**To:** Representative Schneider

**From:** Gordon M. Malaise, Sr. Legislative Attorney, (608) 266-9738

**Subject:** Technical Memorandum to **AB-581** (LRB 03-0935/1)

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We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

# InterOffice Memo

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Department of Workforce Development

*Date:* October 15, 2003

*To:* Legislative Reference Bureau

*From:* LeAnna Ware, Wisconsin Equal Rights Division

*Subject:* Technical Memo regarding AB 581

AB 581 states that an employee who is discriminated for disclosing wage information may file a complaint with the Department of Workforce Development or the Personnel Commission, if a state employee. The Personnel Commission was eliminated in 2003 Wisconsin Act 33 (the Budget Act) on July 26, 2003. The Equal Rights Division of the Department of Workforce Development now processes all complaints under Wisconsin statute 111.39.